

Appl. No.: 09/804,070
Amdt. Dated: November 26, 2008
Reply to Office Action of August 27, 2008

REMARKS

Claims 1, 9, 10, 15, 17-19, 23, 24 and 26 stand rejected while claims 2-8, 20 and 21 stand objected to. Independent claims 1, 15, 23 and 26 have been amended herein. Therefore, claims 1-10, 15, 17-21, 23, 24 and 26 are pending and at issue. Applicants respectfully request reconsideration of the rejections of the claims in view of the amendments and arguments presented herein.

As an initial matter, Applicants would like to thank the Examiner for indicating that claims 2-8, 20 and 21 would be allowable if re-written in independent form. However, Applicants have not done so as they believe the claims from which the objected claims depend, are allowable as presented herein.

Claims 1, 9, 10, 15, 23, 24 and 26 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Reminger in view of Berger. This rejection should be withdrawn as the proposed combination fails to disclose or suggest one or more features recited in the claims, as amended.

Specifically, independent claims 1, 15, 23 and 26, from which all remaining claims depend, have been amended to recite an elongate support having rear support bar and a front support bar and that the elongate support has an overall length. Further, the claims have been amended to recite the front and rear support bars are adjustable to adjust the overall length of the elongate support between an extended position and a retracted position. Reminger and Berger each fails to disclose or suggest such structure.

For example, referring to Figures 4 and 6 of Reminger, it is readily apparent that the alleged support bar 22 has an overall length, but that length is not extendable between an extended position and a retracted position. Instead, the overall length is fixed. This is a limiting

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feature of Reminger in that the device in Reminger has limited adjustability which is restricted to the non-adjustable length of the bar. Therefore, Reminger can only be used in circumstances where the dimensions of the fixed bar are approximate the length between the front tube and seat post of the bicycle. The present device, on the other hand, allows for a much wider range of adjustability.

During an interview with Examiner McPartlin on June 11, 2008, similar structure was discussed when compared to Reminger and Berger. Examiner McPartlin agreed that the adjustability of the overall structure distinguished over the cited references. In response, Applicants had amended the claims to recite that the front and rear support bars are adjustable. In the present Action, it appears that the Examiner has indicated that Reminger could broadly be construed to have adjustable front and rear support bars. However, in the present Amendment, Applicants are clarifying that this adjustability actually adjusts the overall length of the support bar between an extended position and a retracted position. As discussed above, Reminger and Berger each fail to disclose a support bar that includes adjustability of the overall length of the support bar as the alleged support bars instead have fixed lengths. Therefore, this rejection should be withdrawn and the claims allowed.

Claims 17-19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Reminger in view of Berger and further in view of Jefferson. As discussed above, the combination of Reminger and Berger, when each considered alone or in combination, fails to disclose or suggest one or more features recited in the claims. Jefferson similarly fails to overcome these deficiencies. Therefore, this rejection should also be withdrawn and claims 17-19 should be allowed.

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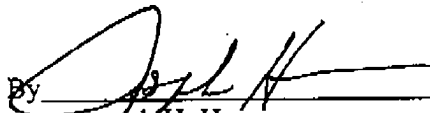
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CONCLUSION

Applicants respectfully request reconsideration of the rejections of the claims and allowance of the case. The Patent Office is authorized to deduct any fees from Deposit Account No. 19-1351 as required. If such a withdrawal is made, please indicate the attorney docket number (57375-400100) on the account statement.

Respectfully submitted,

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